

TOWN OF WINDERMERE

Town Council Meeting Minutes
(Hybrid Meeting)

November 10, 2020

*** Please note. Due to technical issues, there is no recording from Town Hall, only Zoom. There were also several recording difficulties with the first hybrid live/zoom meeting***

CALL TO ORDER:

Present were Mayor Jim O'Brien, Council Members Bill Martini, Bob McKinley, and Chris Sapp. Council Member Andy Williams and Liz Andert were present via Zoom. Town Manager Robert Smith and Police Chief Dave Ogden were also present. Attorney Heather Ramos, Public Works Director Scott Brown, and Town Clerk Dorothy Burkhalter were present via Zoom.

Mayor O'Brien called the meeting to order at 6:00pm and stated all Council members were present.

Member McKinley led everyone in the Pledge of Allegiance. Mayor O'Brien then gave the invocation.

1. **OPEN FORUM/PUBLIC COMMENT (3 Minute Limit)**

Mayor O'Brien stated he has received a list of individuals that would like to speak regarding agenda items. All deferred until specific items were being heard.

2. **SPECIAL PRESENTATION/PROCLAMATIONS/AWARDS**

3. **TIMED ITEMS AND PUBLIC HEARING:**

4. **CONSENT AGENDA**

5. **NEW BUSINESS**

a. **MINUTES**

i. **Town Council Meeting Minutes October 13, 2020**

ii. **Town Council Workshop Meeting Minutes October 27, 2020**

Member McKinley made a motion to approve the minutes as presented. Member Sapp seconded the motion. Roll call vote was as follows: Andert – aye, Sapp – aye, Williams – aye, McKinley – aye, and Martini – aye. Motion carried 5-0.

b. **RESOLUTIONS/ORDINANCES FOR APPROVAL/FIRST READING**

i. **Resolution 2020-06 – 2019/2020 General Fund Budget Amendment**

Mayor O'Brien presented Resolution 2020-06. Member McKinley made a motion to approve Resolution 2020-06. Member Martini seconded the motion. Roll call vote was as follows: Martini – aye, McKinley -aye, Williams – aye, Sapp - aye, and Andert – aye. Motion carried 5-0.

c. **APPOINTMENTS**

d. **CONTRACTS & AGREEMENTS**

i. **IPO: Butler Basin Design**

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ii. IPO: Bessie Basin Design

Mayor O'Brien turned the floor over to Manager Smith. Manager Smith stated that due to receiving the proposed this afternoon, this item can be tabled until the next meeting. He then read for the record an email from him to the Mayor, Town Council, and Staff (attached). Manager Smith commented that both IPOs will be written the same, focus on stormwater only, consider maintaining existing roads, stormwater, and residents' concerns, funding, costs of projects, and first concepts then approved designs. He then emphasized that the Town Staff works at the direction from the Town Council. Mayor O'Brien commented on past grants and funding. He then stated that the Staff does work for the Town Council and the Town Council makes the decisions. Mayor O'Brien stated he would like to keep the maintenance plan discussion separate from the IPOs. Member Martini commented on the changes within the IPOs. Manager Smith commented that the Town Council needed to decide if the funding is wanted or not. Member Williams commented on the audio issues. Member Sapp commented on past stormwater projects and funding. Mr. Fitzgibbon commented on the past HMPG grants, past stormwater projects, and how the current IPOs will help with stormwater issues. Member McKinley questioned the type of standards that Mr. Fitzgibbon and Mr. Galura used in the past. Mr. Fitzgibbon explained that road work was not involved in the past projects, only stormwater. Member McKinley questioned if Kimley-Horn would sign-off on the newly proposed project? Mr. Fitzgibbon stated he could not answer for Kimley-Horn. There being no further comments from the Town Council, Mayor O'Brien open the floor to the public. First to speak was Mrs. Lesha Miller of 625 Butler Street. (inaudible) Mrs. Miller then commented that this project needs to slow down. There have been too many last-minute changes. Ms. Nora Brophy of 426 Magnolia Street introduced herself. She then commented that past discussions reflected that the Green Book Standards needed to be met, now they don't need to be met for roads and stormwater projects. Ms. Brophy also commented on the confusion and last minutes changes. Mayor O'Brien commented on the challenges of these projects. Manager Smith explained that there are many steps to be taken; ideas/designs, concept approvals, contracts, and standards. Ms. Brandi Haines of 835 Oakdale Street introduced herself. She commented on keeping up with changes, getting residents' support, swales, and utility easements. Ms. Haines then commented on stormwater issues in her area. Mr. Tom Stroup of 201 W 7th Avenue introduced himself. He commented on the proposed road widths, negative impacts, size of swales, designs, funding, and the drainage problems that needs to be fixed. Mr. Fitzgibbon stated that a standard right of way utilization plan is needed. Ms. Susan Carter of 106 Palm Street introduced herself. She then commented on protection of the trees and replanting. Mr. Fitzgibbon agreed with the potential landscaping. Mr. Kenneth Kunkle of 615 Bessie Street was the next to speak. He stated he was unaware of the 2:00pm changes, questioned the water quality of Lake Bessie, and stormwater design in writing to residents. Mr. Paul Gerding of 606 Butler Street stated that Mr. Fitzgibbon and Mr. Galura have more knowledge of the Town than Kimley-Horn. He then stated that the roads don't need to be fixed. Mr. Fitzgibbon stated it is not uncommon to have multiple engineers involved in a project during the design phase. He then commented on the knowledge and relationship Mr. Galura has with FEMA and the past projects he has handled. Member Martini stated that Kimley-Horn is the Engineer of Record for the Town. Some discussion followed. Member Martini then agreed with Mr. Gerding regarding too many engineers. Mr. Jim Currie (address not given) commented on the audio and recording of this meeting. He then stated that more time to review this project is needed. Mr. Currie stated that with the current Pandemic, the Town needs to spend less and save more. Mrs. Katie Jones 336 Magnolia Street introduced herself. She questioned the past and future road maintenance plans, cost of the next step in the process, and the communication process. Mr. David Jones commented on communication issues. Mayor O'Brien commented on communication platforms that the Town has and has done. Manager Smith commented on projects meetings, current roads and conditions, and communication. Discussion followed. Ms. Stephanie Boyd of 228 Magnolia Street introduced herself. She stated that she loves the Town how it currently it is, and that she wants to keep the Town simple and not change dirt roads or the trees. Mr. Frank Chase of

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935 Oakdale Street introduced himself. He commented that he had been notified by his neighbor and requested that this item be tabled until next week. Mr. Chase stated that he respects Kimley-Horn but they aren't experienced in dirt roads. He stated that the Town continue with Mr. Mike Galura. Member Sapp stated that other basins need to be considered in the area. Some discussion continued. Ms. Annamaye Clonts of 632 Butler Street introduced herself. She then commented on the water flow onto her property, the need for a global fix, and that something needs to be done. Ms. Clonts commented that the Town needed to take the public funds and fix the issues. Mrs. Tracy Mitchell of 104 W 2nd Avenue stated that she is confused due to all the changes. She then continued to comment on Kimley-Horn and their experience; there's a lot to consider, the Town should take a step back and be cautious with taking the grant money. Ms. Kristie Huffman of 511 Magnolia Street introduced herself. She then stated that the FEMA grant may not match what the residents want. Ms. Huffman stated that maintenance of what's in place is needed. She then commented on the swales and the project sizes, which are too big. A clear plan for the project is needed. She then commented that she feels the money is more than what the Town needs for the project. Mrs. Theresa Schretzmann-Myers of 2713 Tryon Place introduced herself. She stated that instead of obtaining Grey Infrastructure grants, the Town needs to be looking for Green Infrastructure grants. She then commented on the benefit of using the Green Infrastructure. Mr. Joe Tenczar of 327 E 8th Avenue introduced himself. He stated at the beginning of the meeting, it was stated that this item could be tabled. He suggested that is should be. Mr. Tenczar commented on the concern of homeowners taking care of their run-off. He stated he would rather keep the roads the way they currently are. Mayor O'Brien thanked everyone for their comments and concerns. He then stated that he would like to hear comments from the Town Council. Member Williams stated that regardless of the grant funds, there are stormwater issues that need to be fixed. He further stated that a plan has to be selected and the Town needs to move forward with something. Member Andert stated she is fine with having more engagement with residents. She then stated that Town Council and Town Staff have done an excellent job with communication. Member Andert commented that the problem does need to be addressed. She stated that there needs to be a plan, time to engage with the residents, and a maintenance plan with an annual check-up included. Some discussion followed. Mayor O'Brien recognized the public to speak. Ms. Jessica Lee of 528 W 2nd Avenue introduced herself. She commented on water quality, pump-out trucks dumping into the lakes, contacting of EPA, and distrust. Some discussion followed. Ms. Sarah Lopez of 110 Forest Street introduced herself. She stated that informed decisions needed to be made. Ms. Lopez questioned if John Fitzgibbon and Scott Brown had their PE license. She then stated that maintenance issues have been mentioned frequently. Ms. Lopez commented that the Town needs to work with an engineering firm that the Town has confidence in. (inaudible) Comments from Manager Smith. Mayor O'Brien opened the floor to the Town Council. Member Martini thanked the residents for participating. He then commented on; emails he has received, that finding a way to use the grant along with keeping the charm and character of the Town is a priority, more time is needed to review, reviewing a new IPO, and utilizing the funds best for the advantage, staying on top of maintenance, and Forest and Butler concerns. Member Sapp commented that all could agree that there are stormwater issues. He then commented on not piecemealing projects, moving towards design stage, the work needs to be done, keep the grant funds – if not where does funds come from, and design with utilities. Discussion followed. Member McKinley commented on the basins and the work needed., deadlines, trust/distrust, uniqueness of the Town including the dirt roads, maintenance issues, the need to step back and further review, funds already spent for projects, stopping the water flow into the lakes, over engineering, staff has done what they have been asked to do, additional cost of 25% from the Town, more time to review upcoming agenda packets, late changes to agenda items, and re-evaluate then move forward. Mayor O'Brien questioned Member McKinley as to direction of what needs to be done. Member McKinley stated that an extension is needed so that the proposed project could be reviewed further. Mayor O'Brien stated that a clear direction is needed to give staff. Member McKinley stated that the funds need to be returned and that the Town do its own work. Mayor O'Brien commented that engineering and design will also be required for the Town to do the work. He then stated that specific direction to staff is needed. Member Sapp commented that when he discussed approving design, he was

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referring to \$29,000.00 not \$210,000.00, which is for stormwater and potable water only. Discussion ensued. Member Sapp stated that in conversation with Kimley-Horn earlier in the day, since the project could be directed to stormwater, this will take the Green Book Standards “off the table.” He then stated that the Town would have the capabilities to decide which side of the road is for Stormwater and which is for swales/drainage, which could be options in the design phase. Mayor O’Brien stated that the flooding/stormwater issues needed to be addressed. Member Martini questioned if a new concept design could be obtained for the 7th Avenue and Butler Street which shows the new directives that were implemented earlier in the day, if there could be time to review, and then meet to discuss. Member Andert agreed. Mayor O’Brien commented that the work needs to be done properly in the beginning so the issue is not re-occurring. Mayor O’Brien questioned if a motion is needed. Manager Smith explained the process and timing. Mayor O’Brien stated it would be a week or two for the corrections and then time is needed for everyone to review. Discussion was made regarding a follow-up meeting, review of the corrections, review separately, and what the original problems are that caused the water problems. Mayor O’Brien stated that item d(i) and d(ii) will be tabled and staff will bring forward a revised design for the Butler Basin with adequate time for review.

iii. On Call Sign Design Contractor

Mayor O’Brien turned the floor over to Council member Sapp. Member Sapp stated that the Town has many upcoming projects that could/will need signage. He commented that the Long-Range Planning Committee was tasked with reviewing the possibility of having a third party handle the design work for signage throughout the Town. Member Sapp commented that the Town currently has two companies under contract; Wade Trim and Kimley-Horn. He stated that in speaking with the firms, Wade Trim elected to decline the invitations. Member Sapp further stated that the LRP Committee agreed with Kimley-Horn and the Town currently has a master agreement with Kimley-Horn. He then commented that when services are needed, Kimley-Horn will provide an IPO for approval. Member McKinley questioned why an engineering firm is needed to design signs. Member Sapp commented on the resume submitted by Kimley-Horn which is an in-house firm and save time with not having to advertise an RFQ. Member Sapp commented on the need for the firm and upcoming need for signage. After some discussion was made, Member McKinley made a motion to approve. Member Sapp seconded the motion. Roll call vote was as follows: Andert – yes, Sapp – yes, Williams – yes, McKinley – yes, and Martini – yes. Motion carried 5-0.

e. FINANCIAL

f. OTHER ITEMS FOR CONSIDERATION:

6. MAYOR & COUNCIL LIAISON REPORTS:

Mayor O’Brien opened the floor to the Town Council. Member McKinley commented on the past and upcoming Elder Luncheon, 5K and 10K Run, the Halloween Parade and the next Parks and Recreation meeting on November 12th. Member Martini reported that the Development Review Board item regarding the 6th Avenue and Main Street project has been rescheduled to the December meeting. He then commented website issues when using a smartphone and the PDCS website. Member Williams reported that the Historic Preservation Board met and only had discussions due to no quorum, The Windermere Active Youth Committee Zest Fest – citrus picking event, and the removal of sidewalk around the 1887 School House. Member Andert reported that the WAY Committee did not meet. She then reported that the Butler Chain of Lakes Advisory Committee will be hosting a meeting as well as the Tree Board.

7. STAFF REPORTS:

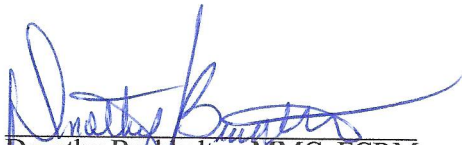
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- a. **TOWN MANAGER ROBERT SMITH** – No report.
 - b. **TOWN ATTORNEY HEATHER RAMOS** – No report.
 - c. **POLICE CHIEF DAVE OGDEN** – No report.
 - d. **PUBLIC WORKS DIRECTOR SCOTT BROWN** – No report.
 - e. **TOWN CLERK DOROTHY BURKHALTER** – No report.
- 8. ADJOURN:**

Mayor O'Brien adjourned the meeting at 9:43pm.



Dorothy Burkhalter, MMC, FCRM
Town Clerk



Jim O'Brien, Mayor

Dorothy Burkhalter

From: Robert Smith
Sent: Tuesday, November 10, 2020 1:55 PM
To: Robert McKinley; Andy Williams; Bill Martini; Chris Sapp; Jim O'Brien; Liz Andert
Cc: Nora White; Diane Edwards; Dorothy Burkhalter; Dave Ogden; Debbie Wilson; John Fitzgibbon; 'hao.chau@kimley-horn.com'; Gallo, Victor; mchgalu@aol.com; Scott Brown; Lillian Colli
Subject: Butler & Bessie Stormwater Project IPO Compromise Amendments
Importance: High

Mayor & Council,

Over the past several months Staff has been working with residents (those directly and indirectly impacted), elected officials, grant administrators, legal counsel and others relative to the 3 HMGP grants awarded to the Town of Windermere. We have held numerous zoom meetings, onsite meetings and workshops. During that time, we as staff have researched, amended, reworked, renegotiated and listened to both the residents and our elected officials. What we have learned is the following:

- Maintain the width of the roadways
- Maintain the dirt roadways
- Maintain the stormwater systems both existing and in the future (create a plan)
- Construct Utilities based on the Water Master Plan
- Limit the impacts as much as possible while maintaining what is existing as to not diminish the look, feel and charm of the area
- Do not utilize Green Book Standards as they are not conducive to the standards that Windermere can achieve without drastic changes
- Seek out funding assistance that would adhere to the aforementioned points.

With that said, tonight I would recommend the following and will state as such tonight:

- Both IPO's will be written in the same manner. Staff had the two written differently based on comments made at the last workshop.
- **The IPO's will focus on stormwater only.** Should Council like to add potable water within the scope we will do so.
- The **existing roads will either maintain their existing width or be amended to a width as deemed appropriate by Town Council.** (15ft, 12ft, 10ft, etc.) If this standard is set, we will reduce those roadways which can relieve some of the impacts to what people perceive as their properties.
- I believe this should alleviate the concerns of those who have taken the time to relay their objections.
 - Roads stay the same (or what is established by TC)
 - Stormwater system will work and be maintained
 - Local impacts will be reduced
- The Danger that we face is that once FEMA reviews the design, **they may not fund either the design or construction** because it doesn't meet standards. Staff understands this fact and we have hired Mike Galura to provide peer review and to help negotiate with FEMA as he and I have done in the past in order to even have the opportunity of working with \$3 million in grant money. If they do not fund either, we would still have a design that we can incrementally self-fund when the monies become available. This does open the door to conversations about potential assessment increase and the longer projects wait the more we open ourselves to litigation.

The approval of the IPO's still means the designs come back to you for final approval. We will continue to present and discuss them with the residents prior to that presentation. Right now we are only at concept level.

In addition, we have heard a lot about the lack of maintenance of existing systems and coming up with an SOP to maintain what we have. We are working with KHA and others on creating that plan now. This will enable a better overall plan as well as create a stop gap until an ultimate fix can be funded. Once we have this plan we will present it to TC.

Please understand, Staff works under the direction of Town Council. We were tasked with an arduous objective of maintaining dirt roads, establishing stormwater systems, implementing potable water systems, finding ways to assist in funding all while maintaining the charm and have the least amount of impacts to the area as a whole. I believe we have accomplished this to the best of our abilities and have gone over and above what other jurisdictions would have. It would be difficult to find another Town where engineers, elected officials and staff make it a point to reach out either by phone, email, text, zoom and in person as Windermere has. I know this is a controversial subject when it comes to roads but I want to emphasize that the Staff works for and with the Town and never against it. I am available for calls or questions prior to tonight's meeting

Regards,

Robert Smith
Town Manager
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